

NOV. 19. 2004 12:03PM

BROWDY AND NEIMARK, P.L.L.C.

NO. 0598 P. 1

SHERIDAN NEIMARK
ROGER L. BROWDY

ANNE M. KORNBAU
NORMAN J. LATKER
DIANA MICHELLE SOBO
AOI NAWASHIRO

OF COUNSEL
IVER P. COOPER
JAY M. FINKELSTEIN

ATTORNEYS AT LAW
PATENT AND TRADEMARK CAUSES
SUITE 300
624 NINTH STREET, N.W.
WASHINGTON, D.C. 20001-5303
TELEPHONE (202) 628-5197

ALVIN BROWDY (1917-1998)

PATENT AGENT

ALLEN C. YUN, PH.D.

TELECOPIER FACSIMILE
(202) 737-3528
(202) 393-1012

E-MAIL

mail@browdyneimark.com

TELEFAX CONTROL SHEET

SENT TO: Examiner Alana Harns

Art Unit 1642 Coind. # 9907

DATE SENT: November 19, 2004

SUBJECT: U.S. 09/763,370

No. of pages (including this cover sheet): 41 pages

FROM: Jenny Abbott - Secretary

Remarks:

Attached is a copy of the Reply filed January 15, 2004,
postcard receipt, and copies of the three articles.
(AE Form PTO-2038 is not attached).

RECEIVED
CENTRAL FAX CENTER

NOV 19 2004

CONFIDENTIALITY NOTE

This confidential facsimile message is intended only for the individual entity named above, and may contain information that is privileged and exempt from disclosure under applicable law. If you, the reader of this message, are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that you should not copy this facsimile or distribute it to anyone other than the intended recipient. In addition, if you have received this telecopy in error, please immediately notify us by telephone or telefax and return the original message to us at the address above via the United States Postal Service. Finally, if it would not inconvenience you, we would appreciate it if you would first fax this message to the intended recipient. Thank you.

If this transmission is not well received, please advise us at our telecopier no. 202-737-3528 or by e-mail at mail@browdyneimark.com, or call our voice telephone no. 202-628-5197.

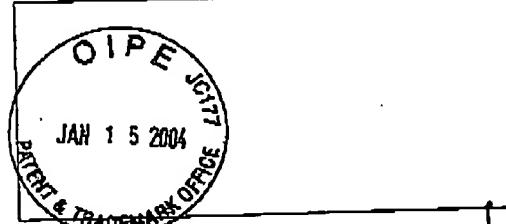
APPLICATION/PATENT NO: 09/763,370
 DOCKET NO: OGATA 54

THE PATENT AND TRADEMARK OFFICE STAMP
 HEREON ACKNOWLEDGES RECEIPT OF THE
 FOLLOWING PAPERS:

FEES \$ 950.00 PTO FORM 2038 (CH. # _____)
 EXTENSION OF TIME (3 MONTHS)
 TRANSMITTAL LETTER
 MISSING PARTS RESPONSE WITH DECL
 AMENDMENT/RESPONSE (circle one)
 PRELIMINARY SUPPLEMENTAL
 APPLICATION DATA SHEET
 RESTRICTION/ELECTION REPLY
 SEQUENCE LISTING WITH DISK
 RCE TRANSMITTAL
 NOTICE OF APPEAL
 APPEAL BRIEF (TRIPPLICATE)
 REPLY BRIEF (TRIPPLICATE)
 OTHER 3 art. files

B&N-1

CONF. NO.: 9907
 CLIENT CODE: YUAS



ASSIGNMENT
 INFORMATION DISCLOSURE STATEMENT
 FORM SB08A & _____ PATENTS/PUBS
 PRIORITY DOCUMENT(S) NO. _____
 DECLARATION UNDER § _____
 _____ SHEETS OF FORMAL DRAWINGS
 ISSUE FEE TRANSMITTAL FORM
 PUBLICATION FEE
 MAINTENANCE FEE LETTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Esturo OGATA et al

Application No.: 09/763,370

Filed: February 21, 2001

For: METHOD OF DIAGNOSING BONE METASTASIS

Confirmation No.: 9907

Art Unit: 1842

Examiner: A. HARRIS

Washington, D.C.

Atty.'s Docket: OGATA=4

Date: January 15, 2004

Customer Window, Mail Stop _____
 THE COMMISSIONER OF PATENTS AND TRADEMARKS
 Arlington, VA 22202

Sir:

Transmitted herewith is a REPLY, AMENDMENT AND REMARKS in the above-identified application.

Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
 A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
 No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	• 17	MINUS ^{••} 20	0
INDEP.	• 2	MINUS ^{•••} 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

ADDITIONAL FEE TOTAL \$

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 280	\$
TOTAL \$	

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

 Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

 It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

First - \$ 55.00
 Second - \$ 210.00
 Third - \$ 475.00
 Fourth - \$ 740.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

First - \$ 110.00
 Second - \$ 420.00
 Third - \$ 950.00
 Fourth - \$ 1,480.00

Month After Time Period Set

Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

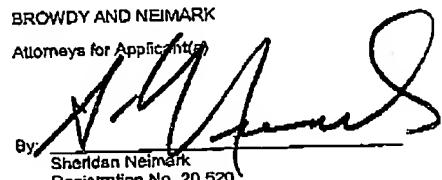
Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 050.00.

A check in the amount of \$_____ is attached (check no.).

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant

By: 
 Sheridan Neimark
 Registration No. 20,520

Facsimile: (202) 737-3528
 Telephone: (202) 828-5197